

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

NATALYA V. VASILENKO,

No. 3:22-cv-01203-JR

Plaintiff(s),

ORDER

v.

CITY OF PORTLAND,

Defendant(s).

HERNÁNDEZ, District Judge:

Magistrate Judge Jolie Russo issued a Findings and Recommendation on March 6, 2023, in which she recommends that Defendant's Motion to Dismiss should be granted with respect to Plaintiff's claim for declaratory relief and denied in all other respects. F&R, ECF 25. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Defendant filed timely objections to the Magistrate Judge's Findings and Recommendation. Pl. Obj., ECF 53. When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Defendant's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

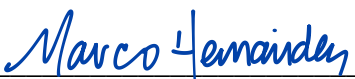
The Court, however, advises Plaintiff that at summary judgment with respect to her disparate-impact claim she will have to identify a specific protected group not simply "religious" employees who were adversely affected by Defendant's policies. *Dunbar v. Walt Disney Co.*, No. CV 22-1075-DMG (JCX), 2022 WL 18357775, at *3 (C.D. Cal. July 25, 2022).

CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation, ECF 25. Therefore, Defendant's Motion to Dismiss, ECF 13, is GRANTED with respect to Plaintiff's claim for declaratory relief and DENIED in all other respects.

IT IS SO ORDERED.

DATED: May 14, 2023


MARCO A. HERNÁNDEZ
United States District Judge